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VS.

## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD DENNIS GAMACHE,

Plaintiff,

No. CIV S-04-0859 RRB PAN P

BRETT WILLIAMS, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

By order filed March 27, 2006, plaintiff's second amended complaint was dismissed and thirty days leave to file a third amended complaint was granted. By order filed May 3, 2006, plaintiff was given an additional thirty days in which to file a third amended complaint. That thirty day period has now expired, and plaintiff has not filed a third amended complaint or otherwise responded to the court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within twenty days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's

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specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 9 F.2d 1153 (9th Cir. 1991).  DATED: June 13, 2006.    June 13, 2006.		
F.2d 1153 (9th Cir. 1991).  DATED: June 13, 2006.  UNITED STATES MAGISTRATE JUDGE  12 gama0859.fta  13 14 15 16 17 18 19 20	1	Findings and Recommendations." Plaintiff is advised that failure to file objections within the
DATED: June 13, 2006.  DATED: June 13, 2006.  UNITED STATES MAGISTRATE JUDGE  12 gama0859.fta  14   15   16   17   18   19   20   10   10   10   10   10   10   10	2	specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
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